



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, December 5, 2007

**9:00 a.m.
City Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE), 294-9337 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **December 5, 2007**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **H07-008**. Site Development Permit for a high-rise mixed-use project containing 347 multiple dwelling units, 11,353 square feet for commercial uses, and underground and podium level parking on a 1.258 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the block bounded by W. St. John Street, N. Almaden Avenue, Carlysle Street, and Notre Dame Street (90 NOTRE DAME AV) (Livingston Block Inc Thomas Livingston, Owner). Council District 3. SNI: None. CEQA: Mitigated Negative Declaration.
Deferred from 11/28/07.
Project Manager, Michelle Stahlhut
- b. **TR07-314**. Tree Remove Permit to allow removal of one (1) Monterey Pine approximately 90 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 5531 Oak Park Drive (Suresh K. and Lakshmi Rao, Owners). Council District 1. CEQA: Exempt.
Project Manager, Suparna Saha
- c. **TR07-347**. Live Tree Removal Permit to allow the removal of one Shamel Ash Tree, approximately 100-inches in circumference from the rear yard of an existing single-family detached residential lot. in the R-1-8 Single-Family Residence Zoning District, located at 3172 Mt McKinley Drive (Ruben and Margarita Mendez, owners). Council District 5. CEQA: Exempt.
Project Manager, Christopher Burton
- d. **PD07-083**. Planned Development Permit to finalize the architectural design for previously approved pad building no. 13 and to allow a drinking establishment for a restaurant on a 55.4 gross acre site in the A(PD) Planned Development Zoning District located on the northwest corner of Curtner Avenue and Monterey Highway (131 Curtner Avenue) (Wpvt San Jose Llc, Owner: Chevy's, Developer). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Sanhita Mallick

- e. [PD07-084](#). Planned Development Permit request to allow a drinking establishment at a previously approved building (No. 21) for restaurant and bar lounge uses (Applebee's) on a 55.4 gross acre site in the A(PD) Planned Development Zoning District, located on the north Side of Curtner Avenue, approximately 500 feet southerly of Curtner Avenue and Monterey Highway (2151 MONTEREY RD) (Wpvt San Jose Llc Ricardo Capretta, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Sanhita Mallick
- f. [PD07-070](#). Planned Development Permit to allow a public eating and drinking establishment in a new pad building containing 6,622 square feet on a 0.96 gross acre site in the A(PD) Planned Development Zoning District, located at/on the southwest corner of Coleman Street and Autumn Street (511 Coleman Ave.) (Cousins San Jose Marketcenter Llc, Owner). Council District 3. SNI: None. CEQA: San Jose MarketCenter Final EIR.
Project Manager, Licinia McMorro
- g. [PD07-073](#). Planned Development Permit to allow two existing single-family residences and one duplex on a 0.30 gross acre site. No new construction is proposed. The project site is located in the R-2 Two-Family Residence Zoning District, on the southeast corner of East Hedding Street and North 17th Street (890 North 17th Street) (Louis Bini Trustee & Et Al, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.
Project Manager, Reena Mathew
- h. [SP07-075](#). Special Use Permit to add 155 square feet of floor area to an existing accessory structure, for a total of 369 square feet, in the rear yard of an existing single-family residence on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1121 Caballo Court. (Joseph Vo, Owner). Council District: 4. SNI: None. CEQA: Exempt.
Project Manager, Avril Baty
- i. [PT06-083](#). Vesting Planned Tentative Map Permit to subdivide 1 parcel into 2 condominium lots for up to 25,000 square feet of commercial space and up to 704 residential dwelling units (206 condominiums and 498 apartments) on a 10.01 gross acre site in the A(PD) Planned Development Zoning District, located on the northwest corner of Zanker Road and East Tasman Drive (Zanker Road Investors, LLC Timothy Cahill, Owner). Council District 4. SNI: None. CEQA: Addendum to North San José EIR.
Project Manager, John Baty
- j. [PT06-095](#). Vesting Planned Tentative Map to subdivide 1 parcel into 1 condominium lot for 183 single-family attached residential units on a 3.16 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of Baypointe Parkway, approximately 370 feet northerly of Tasman Drive (First Realestate LLC, Owner; FF Development Dan Milich, Developer). Council District 4. SNI: None. CEQA: Addendum to North San José EIR.
Project Manager, John Baty
- k. The projects being considered are located at/on northeast corner of the intersection of Almaden Avenue and Goodyear Street (1098 Almaden Ave.), in the R-M Multiple Residence Zoning District (Tri Nguyen, Owner). Council District 3. SNI: Washington. CEQA: Exempt.
 - 1. [SP07-059](#). Site Development Permit to demolish one existing single-family residence and to construct four single-family attached residences on a 0.22 gross acre site.
 - 2. [T06-103](#). Tentative Map Permit to reconfigure one parcel into one lot for four residential condominium units on a 0.22 gross acre site.
Project Manager, Licinia McMorro

The consent calendar is now closed.

3. **PUBLIC HEARING**

- a. **TR07-329**. Live Tree Removal Permit for the removal of two trees, one Pine 78 inches in circumference in the front yard and one Juniper 111 inches in circumference in the rear yard of a single family residence located in the R-2 Two-Family Residence Zoning District, located at 733 Harrison Street (William Conn, Owner). Council District: 6. CEQA: Exempt.
Continued from 11/28/07.
Project Manager, Avril Baty
- b. The projects being considered are located at/on southeast corner of Almaden Expressway and Almaden Road (18950 Almaden Road), in the A(PD) Planned Development Zoning District (Jon and Jennifer Carson, Owners). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration.
 1. **PD07-064**. Planned Development Permit to rehabilitate the Almaden Feed and Fuel building as a single-family detached residence and construct 12 new single-family detached residences on a 1.24 gross acre site.
 2. **PT07-057**. Planned Tentative Map to reconfigure two parcels into 13 lots and common areas for single-family detached residential uses on a 1.24 gross acre site
Project Manager, Licinia McMorro

This concludes the Planning Director's Hearing for December 5, 2007. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.